

**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 17–30 are in the present application. It is submitted that these claims are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The new claims, as presented herein, are not submitted for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these claims are presented simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 17-30 were rejected under 35 U.S.C. § 102(a) as being anticipated by Zigmond et al. (U.S. Patent 6,698,020). The present invention includes “receiving means for receiving the program information and the commercial information on a first channel; wherein the commercial information is received and then the program information is received.” (Claim 17; Claim 24 contains similar limitations) This amendment to the claims is supported by the third embodiment of the invention, as shown in Figures 5 and 6. In this manner, the commercials are transmitted in bulk and then the programs are sent on the same channel. By contrast, Zigmond discloses the use of a separate ad delivery channel and a programming delivery channel in Figure 5. Hence, Zigmond does not teach receiving commercial information and then the program information on the same channel as required in the present invention. Accordingly, for at least this reason, Zigmond fails to anticipate the present invention and the rejected claims should now be allowed.

In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
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